views from the corner office

Mary Dugan - General Counsel for the University of Nevada, Reno
by Anjali Webster
Gordon Silver - Reno

I recently met with Mary Dugan, the General Counsel for the University of Nevada, Reno. When I asked what her day-to-day job encompasses at UNR, she told me to think of UNR as a “little city” given its variety of real estate, administrative, student and employee issues. Indeed, a typical day in Mary’s life can encompass substantive issues in real estate, employment, or contract law, to name a few; and Mary could find herself engaging in contract drafting or review, risk assessment, meetings with high-level administrators, complex litigation, or appellate oral argument. Only on rare occasion does UNR hire outside counsel; most of the legal issues relating to the University are resolved in house by Mary and her two assistant General Counsel.

Eager to learn from someone who excels in such a wide variety of legal subjects and procedures on a daily basis, I asked Mary what she considers to be good traits in an attorney. Mary values traits such as professionalism, ethical conduct, honesty, and a good work ethic. She also respects those attorneys who are active listeners, who respect confidentiality, and who are able to exercise objectivity in every case.

Mary also provided me with several valuable practice tips:

- Always be prepared, as it serves your...

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fresh perspectives

A Request for Simplification
by Scott R. Daniel
The Daniel Firm - Reno

“Hi Mr. Daniel, this is the clerk’s office,” the voicemail usually begins. Here we go, I sigh. Just lay it on thick.

“We are in receipt of your reply to the defendant’s opposition to your motion, and it is ripe for review....”

Buuuut....

“but unfortunately, the judge cannot rule on this until you file the requisite request for submission....”

My forehead rests, not so gently, on my desk.

“...which you can find on our website at www.washoecourts.com....”

The rest, I’ve heard before. If you’re a practitioner in Washoe County, young or old, you or your paralegal have likely heard it, too. You’ve prepped your motion or opposition, vetted the language, KeyCited or Shephardized your case law, crossed the t’s and dotted the lower case j’s. You’re proud of what you (believe you) have accomplished. You even imagine your judge displaying your adversarial brilliance on their fridge, next to report cards and crayon scribbles.

But the devil is in the details here in the Second Judicial District. You must file a separate Request for Submission to move anything forward. Until you formally ask your judge, on a separate sheet of pleading paper, to do some...

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thing about it, your legal thriller is about as effective as Shakespearean slam poetry. It is full of sound and fury, signifying nothing.

Among the gripes one can have about extra paperwork, the RFS is relatively minor — more irritant than toxin. There are no due process concerns implicated here. There are, however, concerns of necessity and efficiency. The RFS is an animal somewhat unique to the legal ecosystem of Northern Nevada. In most other jurisdictions, a motion or response is itself a request for submission. That is why we call it a "motion": we "move" the court to take action or set events "in motion." I know of no court in Maryland, my second jurisdiction, that requires an additional signed document to make another motion "mobile." The filing of the last permitted pleading (or the expiration of a particular motions period) is a request for submission per se, and by virtue of the language contained in the motion. The same goes for the Eighth District in Clark County, with its heavier docket.

Friends of mine who have clerked in Washoe County courts have suggested that the Request for Submission is a way to signal that the parties are ready to proceed on the motion, making it easier to prioritize caseloads. I have no way of falsifying or verifying that argument, least of all not as far as judges, judicial assistants and clerks are concerned.

I can, however, speak for solo practitioners and small firm associates who would benefit tremendously from the elimination of the RFS as a prerequisite for motions practice. Fractional time costs, while seemingly insignificant in the moment, add up over time, and the drafting, editing and filing of a separate request for a motion already submitted can aggregately increase lawyer workloads and hours billed to clients.

A modest compromise might emulate the Local Rules for federal courts in Nevada. Sixty days after completion of the motions period, any party can at their option petition the court for a ruling on the matter. Transforming the traditionally required RFS into such an optional failsafe for motions that fall through the cracks would substantially reduce time costs while preserving the "attention signal." Another option is to embed the request into the final motion, response or reply.

These are relatively simple solutions that can ease the paper burden on legal professionals in Northern Nevada and streamline motions practice. This is not a call for radical judicial change, but merely a humble Request for Simplification. •

Fresh Perspectives - A Request for Simplification (cont.)

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Young Lawyer Spotlight

Layke Stolberg
William S. Boyd School of Law – Las Vegas

Layke Stolberg is the Director of Career Development at William S. Boyd School of Law at the University of Nevada, Las Vegas. Layke earned her Bachelor of Arts from UNLV before graduating from Boston University School of Law. Layke married her high school sweetheart, Paul, and they live in Las Vegas with their seven month old daughter, Ruby and three cats.

Q. Who or what inspired you to become a lawyer?
A. I was working as a television news producer for the local NBC affiliate, and while I loved reporting on important events, I longed to be on the other side of the story. I saw law as a way to change the lives of the people in our news stories. As a result, I applied to law school focused on public interest law. Although I changed paths in law school and worked at a law firm, and then changed paths again and now work at a law school, I’m always happy with my decision to become a lawyer.

Q. What made you decide to pursue your current career path?
A. I was an adjunct professor in the legal writing program at Boyd, and I found myself enjoying most the part of my day where I was working with students. I was also a member of the hiring committee at my firm for several years, and I really enjoyed the recruiting process. My current job is the perfect mix of both. Also, in challenging times, helping students navigate the legal employment market is highly rewarding; each victory is hard-fought.

Q. What do you love about practicing in Nevada?
A. You can really make your mark from a very early point in your career.

Q. If you weren’t a lawyer, what would you be doing?
A. I would be an adventure guide. This is a bit of a stretch because I’m not particularly outdoorsy, so I am definitely currently in the right profession.

Q. What do you enjoy doing outside of work?
A. I love volunteering. I have been a big sister with Big Brothers Big Sisters for six and a half years, and I really enjoyed the recruiting process. My current job is the perfect mix of both. Also, in challenging times, helping students navigate the legal employment market is highly rewarding; each victory is hard-fought.

(Continued on page 3)
Mary has been General Counsel for UNR since 2004. How did Mary get to where she is today? Mary practiced at the law firm of Laxalt & Nomura, and then subsequently joined the litigation division of the Nevada Attorney General’s office. In 1997, she joined the General Counsel’s office of the Nevada System of Higher Education as Assistant General Counsel. She said her prior experiences have all been helpful to her current position.

For those of you who would like to follow in Mary’s footsteps and become general counsel one day, Mary informed me that UNR is hoping to expand its General Counsel office in the next few years, and would be seeking candidates with litigation experience and experience in employment and contract law.

“Before you appear before a court, practice, practice, practice.”

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**Views from the Corner Office - Mary Dugan (Cont.)**

client well and gives you the confidence and ability to respond when there is a change in the situation.

- When you can’t find the answer, sometimes you are asking the wrong question: spend time on the question in front of you rather than planning for hypotheticals.
- And in that vein, you do not always have to answer a client’s question right away. Give it some space and time.
- When writing a brief or a motion, read it out loud: you hear things that you would not otherwise catch.
- Before you appear before a court, practice, practice, practice. You will notice significant improvement between your first and second time. Moot court it, too: get input from those who are hearing it for the first time. Finally, being passionate about your argument helps; it gets the judge to look at your point of view.

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**Young Lawyer Spotlight - Layke Stolberg (Cont.)**

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will acknowledge that not having the time and billing demands of a firm enables me to contribute more in volunteer leadership positions. I am in awe of those who can bill hours and live active lives outside of work. I never felt I was that person.

**Q. What book are you reading right now?**
A. What to Expect the First Year.

**Q. What do you listen to in your car on your way to/from work?**
A. I listen to NPR and my baby Ruby babbling in the backseat.

**Q. What was your favorite low-cost meal as a poor law student?**
A. I was so broke at the end of my third year of law school that I ate primarily canned green beans.

**Q. Describe your perfect day off.**
A. A barbecue with friends, kids, and wine.

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**YLS TRIAL ACADEMY AT THE ANNUAL STATE BAR MEETING**

Talk to your firm about sponsoring your trip to the Annual State Bar Meeting to attend the YLS Trial Academy. The Trial Academy is an excellent three-day workshop that gives young lawyers hands-on experience and one-on-one advice from sitting judges and experienced practitioners from throughout Nevada. Don’t miss this fantastic opportunity!
UPCOMING EVENTS

YLS CLE: Practical Tips for Courtroom Professionalism, Decorum and Procedures

On June 13, the YLS will hold a CLE at the Regional Justice Center (Courtroom location TBD) from 11:45 - 1:15. At this CLE, judges will discuss how young lawyers can build a reputation for professionalism and civility when dealing with counsel, clients, judges, and opposing parties. Topics will include courtroom procedure, issues that arise in different types of courts, what judges expect of the attorneys appearing in their courtrooms, and how to balance a lawyer’s zealous representation of a client’s interest with a duty to act professionally.

RECENT EVENTS

Serving Seniors

We had another successful Serving Seniors event this year. The south was able to provide training to 25 attorneys at our “Simple Estate Planning and Handling Small Estates” CLE on March 24, 2014. The day-long training provided a wealth of insight for attorneys new to the practice of estates and probate. Thank you to Linda A. Bowman, Edmund J. Gorman and Jeffrey Burr for speaking at the CLE.

We conducted the ask-a-lawyer style “Serving Seniors” event in Las Vegas on April 24, 2014. We had a great turnout of attorney volunteers for this event and Nevada’s seniors who attended found the event very helpful in getting their questions answered.

Thanks to Carmela Reed and the entire team at Nevada Legal Services for their tremendous support of this event. Thanks also to Kristin Tyler and all other young lawyers who helped organize the event. Most importantly, thank you to all of the attorneys who volunteered!

Law Day Essay and Poster Contest

Congratulations to the following winners of the Law Day essay and poster contests!

**Elementary School:** Ali Nicolaides, Nidhi Bhatt, Madison Cox and Lauren Healy

**Middle School:** Caira Young and Shaira Young

**High School:** Richelle Elamparo and Dayana Vicente-Sosa

The Awards Ceremony for the winners in the south will take place on June 3 at 5:30 p.m. in the Jury Assembly Room with Judge Foley.

Congratulations to Jess Reinhart (Leverty & Associates - Reno) for being named the ABA Young Lawyers District Representative for District 29 (Nevada and Utah)!

Take pictures at your next YLS event and submit them for inclusion in the next newsletter!